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appliances in connection with which he is required to labor, and it appears that he fully comprehends and appreciates the nature and extent of the danger, he will be deemed to have assumed all risks incident to the service under such circumstances. *Conley v. American Express Co.*, 87 Me. 352; *Marsh v. Chickering*, 101 N. Y. 396. *Meador v. Lake Shore and Mich. South. Ry. Co.* 138 Indiana 290, holds that where an employe, whose duties require him to use a ladder, discovers that the ladder is defective and dangerous, and notifies the master, who promises to furnish another, but before doing so the employee, in using the defective ladder is injured, the master is not liable, although the service in which the ladder was used was of a kind which could not be postponed. A workman is under no obligation to continue working in a dangerous place of employment. If he does so, with every opportunity to know the danger he cannot excuse his own want of care in failing to notice and guard against it, by alleging that his employer promised to do this and had failed to observe his promise. *Reese v. Clark*, 146 Pa. 465. *Snowberg v. Nelson—Spencer Paper Company*, 43 Minn. 532, holds, however, like the case in point, that the alleged promise of the defendant to remedy the defects and his request to plaintiff to continue using the machinery until he should remedy it, brings the case within the recognized exception to the general rule that a servant who uses defective machinery, knowing of the defects, and the consequent danger, does so at his own risk. *St. Clair Nail Co. v. Smith*, 43 Ill. App. 105, and *T. & N. O. Ry. Co. v. Bingle*, 9 Texas Civil App. 322 are also in point.

MUNICIPAL CORPORATIONS—EMPLOYEES—COMPENSATION—*MAY v. CITY OF CHICAGO*—78 N. E. REP. 912 (ILL.) A regular employe in the Collector's office did extra work for which he was promised extra compensation by the Collector. *Held*, that he was not entitled to it.

Employees in a city department are not entitled to extra compensation even though detailed and requested by the head officer of such department. *Bruns v. City of New York*, 6 Daly (N. Y.) 156; *Merzback v. City of New York*, 30 N. Y. Supp. 908. By the doing of extra work in making a digest of the laws, an attorney for the city cannot recover extra compensation. *Hays v. City of Oil City*, 11 Atl. 63; or other extra work. *People v. Supervisors*, 1 Hill (N. Y.) 362. When a Solicitor does extra professional work he does acquire the right to additional compensation, *City of Baltimore v. Ritchie*, 51 Md. 233, the same being held when a health officer performed extra duties, *Wendell v. City of Brooklyn*, 29 Barb (N. Y.) 204; and also in the case of a city treasurer for extra work, *City of Covington v. Maybury*, 9 Bush (Ky.) 304. A person accepting a public office at a fixed salary cannot claim additional compensation for extra work even though promised by a committee. *Evans v. City of Trenton*, 4 Zab (24 N. J. L.) 764. It has been held, however, that when a clerk does extra work, the additional sum so earned, is treated as an increase in salary which is allowed, providing the head officer of the department keeps his expenses within the limits of the appropriation. *People v. Corwin* 29 N. Y. Supp. 1077. Where duties are foreign to those for which he was employed he can recover for such extra work. *City of Detroit v. Redfield*, 19 Mich. 376.

NEGLIGENCE—DANGEROUS MACHINERY—CARE REQUIRED—PLACES ATTRACTIVE TO CHILDREN. *MCALLISTER v. SEATTLE BREWING AND MALTING CO.*, 87 PAC. 68 (WASH.) *Held*, that where dangerous machinery of a character

likely to excite the curiosity of children, is left unguarded in an exposed place, where children are liable to be, though on the premises of the owner, and a child attracted to it is injured, the owner is liable.

Although a railroad company is not bound to the same degree of care in regard to mere strangers, who are on its premises, that it owes to others, yet it is not exempt from liability to such strangers for injuries arising from its negligence. *R. R. Co. v. Stout*, 17 Wall. 657. The cases following the above seem to be of two classes; the first, being based on the proposition that whenever a dangerous machine, attractive to children, and where they are wont to play, is left unguarded it is the duty of the railroad to keep it in a safe condition. *R. R. Co. v. Stout*, *supra*. *R. R. v. Bailey*, 11 Neb. 333. The second class is based on the theory of constructive invitation, i. e., if one is allured or attracted on to the premises, he is not a trespasser, and leaving an unguarded, attractive machine is such. *Keffe v. Milwaukee & St. Paul Ry. Co.*, 21 Minn. 207. The fact that a child is a trespasser will not necessarily preclude him from a recovery against a party guilty of negligence. *Birge v. Gardner*, 17 Conn. 507. Some States, however, contrary to the general rule, hold that he cannot recover. *Daniells v. R. R.*, 154 Mass. 349; *Frost v. R. R.*, 64 N. H. 220.

PARENT AND CHILD—CUSTODY OF CHILD.—*WORKMAN V. WATTS*, 54 SOUTHEASTERN REP. 775 (S. C.) Parents of a child placed her in the custody of her grandparents in her infancy and she was supported and educated by them till nearly fourteen years of age; at which time the parents sought possession of the child, who expressed under oath a desire to remain with her grandparents. There was no unfitness of either party shown. *Held*, that she would be allowed to remain with the grandparents.

We meet the old common law rule which gives the custody of the children to the father as against the mother and especially as against third persons, *Johnson v. Terry*, 34 Conn. 395. Unless it is of tender years, and its parents are separated. *Gray v. Field*, 19 W'k'l'y. Law Bul. 121. Yet the father may deprive himself of this right by ill-fitness or voluntary transfer of his right of custody, *Bently v. Terry*, 59 Ga. 555; but this transfer is invalid if the child is over fourteen years of age and it was done without the child's consent. *State v. Smith*, 6 Me. 462. There is a difference of opinion among the States as to the legal possibility of the transfer of the custody. As to this, the minority rule has been gradually disappearing. Some of those States have held that in such a transfer, there is a lack of mutuality and such an agreement is voidable as a delegation of powers. *Foulke v. People*, 4 Colo. App. 519, *Ward v. People*, 3 Hill 395. But those jurisdictions, which allow the transfer by the parents, hold it is not revocable unless some sufficient legal reason is shown. *Janes v. Cleghorn*, 54 Ga. 9; *State v. Barney*, 14 R. I. 62. This view has been developed farther and by the great weight of authority the Court will not restore the child unless it is for the benefit of the child, *People v. Lohman*, 17 Abb. Prac. 395. In such a case, the wish of the child is almost controlling, unless under tender age for then the welfare of the child must not be placed in jeopardy by the exercise of an immature judgment, *Curtis v. Curtis*, 71 Mass. 535.

PRINCIPAL AND AGENT—EXISTENCE OF AGENCY.—*EAGLE IRON CO. V. BAUGH*, 41 SOUTH. REP. 663. (ALA.)—*Held*, that the authority of an agent cannot be established by the declarations of the alleged agent.